

OPINION
49-80

October 25, 1949 (OPINION)

GAME AND FISH

RE: Migratory Bird Hunting Stamp

Yours of this date, requesting the opinion of this office as to the construction of Section 718a, Title 16, U.S.C.A. (Vol. 16), has been received and referred to my desk.

This section provides that "No person over sixteen years of age shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired federal migratory-bird hunting stamp validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds;* * *." Then follows certain exceptions which, among others, permits "the resident owner, tenant, or share cropper of the "property" who complies with "such restrictions as the Secretary of the Interior may by regulations prescribe" to kill "such waterfowl when found injuring crops or other property." It is our opinion that this exception does not permit the owner or tenant over sixteen years of age to kill waterfowl without a federal migratory-bird hunting stamp on his person while field shooting or hunting in the ordinary understanding of that term.

In other words, such owner, tenant, or share cropper may not hunt migratory waterfowl even on land owned or leased by him without having such federal stamp on his person while so hunting. To do so is, in our opinion, a violation of said section and also of the fourth provision of the Governor's proclamation setting forth the hunting regulations for the hunting season of 1949.

WALLACE E. WARNER

Attorney General